

The Story

This is a story of how everyday citizens struggled for over six years to right a wrong their political leaders had made.

Pine Meadow was the third open space in Martinez that Mayor Schroder and the City Council voted to convert from open space to development. That had to stop.

It was not fair to the citizens of Martinez that these important lands that were so central to our quality of life could be converted by the City Council at the behest of developers. These lands, whether publicly or privately owned open space, should not be converted to developers' wants without at the very least some offsetting public benefit.

Our political leaders did not agree. So, the public decided to fight them.

The 26-acre Pine Meadow site had been designated open space since 1973 soon after the owner asked to be annexed to Martinez. By 2014 Pine Meadow was also the last site in Martinez available for a significant city park. And our citizens had not had a new city park in over 20 years with population predicted to grow significantly in the future.

A group of concerned citizens formed Friends of Pine Meadow in 2015 to stand up to Mayor Schroder and the City Council and try to convince them to buy Pine Meadow for a public park. We attended dozens of City and neighborhood developer meetings, presented important information and gave substantial public input.

But to no avail. Mayor Schroder and the City Council voted to allow the conversion of Pine Meadow from open space to housing on January 21, 2015.

Citizens quickly mounted a referendum drive to overturn the

Council vote. We needed to collect the signatures of more than 2400 Martinez voters in only 30 days.

We did better than that, collecting more than 3700 signatures and turning them in three days before the deadline. The massive effort involved dedicated signature gatherers who went door to door and to supermarkets, schools, events such as the Farmers' Market and more with their referendum petitions in hand.

Our referendum was successful, and it stopped the City Council approval from going forward.

Efforts to convince Mayor Schroder and the Council to purchase Pine Meadow continued. Our actions included:

- pinpointing potential funding sources in the City budget, such as park purchase fees and substantial budget surpluses/reserves, adding up to over a million dollars
- working with land acquisition and environmental groups, like the Sierra Club and Trust for Public Land
- surveying the neighborhood around Pine Meadow and finding overwhelming support to pay additional taxes to help buy Pine Meadow
- researching the Association of Bay Area Governments (ABAG) Priority Conservation Area urban open space grant program
- holding encouraging discussions with the California Land and Water Conservation Fund (LWCF)
- finding potential grants that could be worth over \$4 million from LWCF and ABAG

We forwarded all the information we gathered to the City. The Mayor and Council showed little interest in what we discovered, but we persisted. Our goal remained to convince them

to buy Pine Meadow as the last Martinez park.

Then the issue expanded. The City was in the process of updating our Martinez General Plan that was over 40 years old. Through a public records request, we discovered that there was discussion between the developer, DeNova Homes, and the City about possibly inserting wording in the General Plan update that might allow extensive housing development on Pine Meadow. It could be an end-run around our referendum and possibly overrule the existing open space designation on the land.

Exposing and stopping this developer proposal became a top priority. We alerted the public and voiced strong objections. Our work included postings on our website, e-mail blasts, Facebook notices, speaking at City Council meetings, letters to the Editor and more.

Then, on April 5, 2016, the developer/owner, DeNova Homes, and former owner Christine Dean, decided to sue several of us who were working to protect the open space designation for Pine Meadow.

Their lawsuit named several citizens, including two of the primary citizens who opposed them, Tim Platt and Mark Thomson. (It even named one citizen who had never been involved in any of the group's actions.)

The lawsuit claimed citizens were guilty of defamation, conspiracy, interference with contracts and business interests and negligence.

It was a frightening experience as several of us had never been sued before, and the accusations were very serious.

Fortunately, we were able to hurriedly enlist the help of two lawyers who were critical in facing this lawsuit, Stu Flashman and Fred Woocher.

We were successful in getting the court to label this lawsuit a SLAPP suit (Strategic Lawsuit Against Public Participation); this kind of lawsuit is designed to scare citizens and stop public involvement and protest. Then, after five months of effort, we won the lawsuit.

But the developer/owner appealed the court's decision. And they lost again on the appeal. That court decision became a statewide precedent for such future legal actions.

(Stu Flashman had helped prepare our successful referendum. And both Stu and Fred Woocher were critical in overcoming every one of the legal roadblocks that were subsequently thrown in our way. They were equally as important in the preparation and defense of our Initiative (discussed below). Working together with Stu and Fred, we succeeded in foiling all the legal issues Mayor Schroder and the City Council and the developer/owners used to try to stop us. Martinez citizens owe a heavy debt of gratitude to both Stu and Fred.)

While continuing to oppose the Pine Meadow conversion, we worked equally hard to keep citizens informed and try to get the Mayor and Councilmembers and the developer/owner to see our point of view. Volunteers continually updated our website and Facebook pages. Others wrote letters to the Editor and continued to speak out at City meetings. Our e-mail list grew to over 5000 Martinez citizens.

We manned booths at several public events, including John Muir Birthday/Earth Day, the Beaver Festival and Downtown Farmers' Market. We delivered tens of thousands of update fliers to Martinez doorsteps. And citizens from all over Martinez and beyond donated thousands of dollars to help fund our efforts.

Our efforts earned us the endorsements of wonderful partners. The two earliest were Thousand Friends of Martinez and the Sierra Club. Mt. Diablo Audubon Society and United Steelworkers Local 5 followed. The endorsements of these organizations that have such strong citizen support were

instrumental in our success.

But on January 18, 2017, Mayor Schroder and the City Council proceeded to do something incredible---they decided Pine Meadow should always have been designated as housing, even though the Martinez General Plan had clearly shown Pine Meadow as open space since 1973 and forever since.

The Mayor and Council declared that showing Pine Meadow as open space had just been a mistake in 1973 and decided that Pine Meadow had always been designated for housing.

This astounding vote happened in a late-night City Council meeting that lasted till well after 1:00 a.m. It included a two-hour presentation by the developer comprised of 106 PowerPoint slides and over 200 pages of documents. The material was riddled with inaccuracies and misinformation, and some of it had never been seen by City staff before, much less by the public. Even some Councilmembers had not seen part of it.

This decision by Mayor Schroder and the Council to declare designating Pine Meadow as open space was merely an error flew in the face of the City's own staff report. That staff report contained 493 pages of detailed evidence showing Pine Meadow had correctly been designated as open space from 1973.

The citizens were astonished, but our only recourse was to sue the Mayor and Council over their decision. If the citizens lost the case, it could be very expensive.

With great trepidation, Friends of Pine Meadow and Tim Platt decided on 4/17/2017 to sue Mayor Schroder and the City Council to overturn their outrageous decision.

We named this lawsuit the "rewrite history lawsuit" and it proceeded for almost two more years. It required hundreds of hours of research and poring over thousands of pages of data including several public information requests.

This decision by Mayor Schroder and the Council coupled with the experience of the SLAPP suit and other Council actions drove home the point that some permanent protection was needed to keep open space and parkland throughout Martinez from being converted to development by political leaders who represented developers and landowners over everyday citizens, as the Mayor and City Council had been continually doing.

For several months, citizens had been working on an initiative to provide that protection and, on 4/15/2017, two days before the “rewrite history lawsuit” was filed, citizens launched the Martinez Open Space and Park Protection Initiative. A new group, Martinez Open Space and Park Protection Committee, was formed and started the public drive to get the Initiative on the ballot so citizens could vote on making it a law.

The Initiative was simple. It allowed the Mayor and City Council to continue to vote to convert open space and parks to housing or other development, but it required that any such City Council vote would have to be approved by a vote of Martinez citizens.

Mayor Schroder and the Council were strongly opposed to that and responded in several ways.

They slowed down every step in the process for getting the Initiative on the June 5, 2018 ballot, trying to delay things enough to keep the Initiative from meeting the ballot filing deadline for that election.

The initiative petitions with over 4750 signatures, almost twice the required number, were presented to the City on September 21, 2017. The County Election Department verified them and reported the results back to the City less than ten days later. Yet by mid-December the Mayor and City Council had not approved the initiative for the ballot.

We finally had to go to court to have the judge force Mayor Schroder and the Council to stop their delays and approve the

initiative for the June 5th ballot. The judge ordered them to certify the initiative for the ballot just a handful of days before the County Election Department deadline that would have delayed the vote until November.

Mayor Schroder and the Council also voted to use \$100,000 of public money to sue their own citizens by filing a lawsuit against the Initiative sponsors, Tim Platt, Mark Thomson and Kerry Kilmer.

The Mayor and the Council then used more public money to create a competing initiative for the June 5th election, Measure F, designed to confuse the public. Measure F was written in such haste that it was tweaked at the City Council meeting at which the Mayor and City Council were approving it for the ballot and was approved without a public hearing.

But we persevered through all these roadblocks. Our initiative, Measure I-Martinez Open Space and Park Protection Initiative, was finally placed on the ballot for the June 5, 2018 election.

The Initiative was qualified for the ballot after we collected over 5500 signatures on our Initiative petition, well in excess of the 2413 Martinez voters' signatures required. Dozens of Martinez citizens walked all over town and collected signatures at supermarkets, Farmers Market, churches, schools and elsewhere. It was a major effort and there were a few instances of bad behavior that fortunately did not stop us.

Now we were at the beginning of a heated and difficult ballot campaign. Lawn signs went up. Mailers went out. Fliers were put on doorsteps. A televised debate occurred between Mayor Schroder and Tim Platt. Booths were put up at Farmers' Market and elsewhere. And just eight days before the election, an important editorial by Dan Borenstein was published in the East Bay Times.

The editorial excoriated the Mayor's and City Council's actions and strongly supported our Initiative, Measure I- Martinez Open Space and Park Protection Initiative.

We turned that crucial editorial into a super flier, delivered thousands of copies to Martinez residents and sent it out on our Facebook and e-mail networks to thousands more---all in just eight days!

WE WON! Measure I-Martinez Open Space and Park Protection Initiative was approved by Martinez voters on 6/5/2018 and became City law on 6/22/18. Martinez citizens had shown once again what they could accomplish for the common good.

Meanwhile the “rewrite history lawsuit” was still proceeding. Our contentions were that the Council action was factually wrong, broke referendum law and was contrary to a recent superior court ruling.

If we won this lawsuit, the decision by Mayor Schroder and the City Council to convert the designation of Pine Meadow from open space to housing would be stopped once again.

On 2/8/19, the court issued the Tentative Ruling on the lawsuit. (A tentative ruling is often issued by the court prior to the final hearing describing how the court will probably decide the case at the final hearing.)

That tentative ruling stated: “... no reasonable person could have reached the conclusion the City did on the information before it.” It went on to say regarding the flaunting of referendum law, “...the adoption of Resolution No. 011-17 violated section 9241 and the resolution is invalid.”

It appeared that the Mayor’s and City Council’s effort to convert the designation of Pine Meadow from open space to housing was once again going to be overturned.

And Measure I meant that any future vote by the Mayor and the Council to convert Pine Meadow from open space to housing would have to be approved by Martinez voters.

It was at this point that Mayor Schoder and the City Council and the developer/owner decided to go into mediation with the Pine Meadow and Measure I principal proponents, Tim Platt, Mark Thomson and Kerry Kilmer, with the goal to try to settle all the issues revolving around Pine Meadow and Measure I.

The mediation was tense and difficult. At the end the public interest was served and the “Settlement Agreement and Release” was signed on July 10, 2019, with these primary stipulations:

- the developer would donate approximately 9 acres of Pine Meadow land to the City for a new park
- the developer would pay \$1million towards developing the park
- the developer would donate \$500,000 towards park and/or open space acquisitions and/or improvements elsewhere in or around Martinez
- the “rewrite history” lawsuit would be dropped. This would make it possible for the developer to build approximately 65 houses on the remainder of the property, not the 98 originally proposed

All the parties to the Agreement became very supportive of the park project once the Agreement was put in place. They acted quickly and effectively to institute many of the steps to get the park started; however, issues did subsequently arise that have delayed the park project.

The park is now under construction. It will probably open in late Spring.

Mayor Zorn and the current City Council have made strong efforts to deliver a first-class park to Martinez citizens, a park we can all be proud of. For instance, the park will have the first all-abilities playground in Martinez.

The work of hundreds of citizens has led us to this point. Much of what has been done is not in the spotlight here.

There is so much more to tell and so many individuals to acknowledge. *There are so many wonderful stories of hard work and brilliance and chance and diligence and collaboration and teamwork and courage.*

Pine Meadow is a story of how hundreds of everyday citizens struggled for years to make this park a reality and to protect all Martinez open space and parks with Measure I---Martinez Open Space and Park Protection Initiative. *It is a tribute to the democratic process that citizens can stand up for what is right. And that the government can be made to listen to them and correct its mistakes. This is an especially important event in these times when our very democracy is under assault.*

We hope this story will give us pride in our democracy and confidence for the future.

Tim Platt
Kerry Kilmer
Mark Thomson
for Friends of Martinez Open Space

Friends of Martinez Open Space represents all those who were members of Friends of Pine Meadow and Martinez Open Space and Park Protection Committee and all those who helped make this story have a happy ending.

4/26/2025